

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

02 JAN 8 2002
69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

Subfile No. CHGA-02-0031

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, by and through his attorneys, and moves the Court to enter its order granting default judgment against the following defendants:

Ramona Jacquez Estate

CHGA-02-0031

and as grounds therefore plaintiff states:

1. That the Court has jurisdiction over the defendant as shown by Proof of Publication of Notice of Pendency of Suit (6471) filed December 26, 2001.
2. That the defendant named above is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default (6473) filed January 2, 2002.
3. A copy of the proposed default order incorporating the terms of the State's proposed Consent Order in Subfile CHGA-02-0031 is attached hereto as Exhibit A.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order

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granting default judgment against the above-named defendant incorporating the terms of the State's proposed consent order and in conformance with the Rio Gallina January 14, 2000, Amended Hydrographic Survey and Report.

DATED: January 4, 2002

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Default Judgment was mailed to the following persons on January 8th, 2002.



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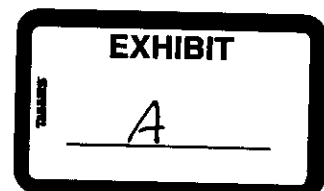
RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

Subfile No.: CHGA-02-0031

ORDER GRANTING DEFAULT JUDGMENT

This matter coming on to be heard upon the motion of the Plaintiff, State of New Mexico, *ex rel.* State Engineer, for the entry of default judgment against the following defendants, and the Court having considered the record in this cause and being otherwise fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants have been legally served with process or have waived service of summons.
3. The defendants have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's amended hydrographic survey and report of the Rio Gallina stream system (January 14, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants in the above-styled and captioned cause are as follows:



RAMONA JACQUEZ ESTATE

Subfile No.: CHGA-02-0031

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s): 0462 date filed 6/11/1923

Priority: Reserved for future determination by court order entered March 15, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Cordova/Martinez Ditch

Location X: 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 15, Township 23N, Range 01E, N.M.P.M.

Pt. NW¼	2.3 acres
Total	2.3 acres

As shown on the 2000 Hydrographic Survey Map CHGA- 2.

Amount of Water: Reserved for future determination by court order entered March 15, 2000.

IT IS, THEREFORE, ORDERED that the above-named defendants, be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

UNITED STATES DISTRICT JUDGE

Recommended for approval:

SPECIAL MASTER